

10/05/2004 TUE 14:38 FAX 12489888363 Carlson, Gaskey & Olds

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60,427-238; 2000P07642US01
Serial No. 09/802,592

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stuart

Serial Number: 09/802,592

Group Art Unit: 2644

Filed: March 9, 2001

Examiner: Pendleton, Brian

Title: RESONATOR FOR ACTIVE NOISE ATTENUATION SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office Action of April 22, 2004, please amend the above-identified application as follows.

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01 FC:1201 264.00 DA

02 FC:1253 988.00 DA

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REMARKS

Claims 1-16 and 18-19 remain in the application including independent claims 1, 5, 9, 12, 16, and 18. Claims 17 and 20 have been cancelled. Claims 5, 12, and 16-20 are indicated as allowable. Claims 5, 12, 16, and 18 have been rewritten in independent form. Claim 17 has been incorporated into claim 1 and claim 20 has been incorporated into claim 9.

Claims 1, 2, 7, and 9-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tomisawa. Claims 1-4, 6, 9, 10, and 13 stand rejected under 35 U.S.C. 103(a), as being unpatentable over Brackett in view of Tanaka. Claims 8 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tomisawa in view of Guenther. Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brackett in view of Tanaka and further in view of Tomisawa. These rejections are moot in light of the amendments discussed above.

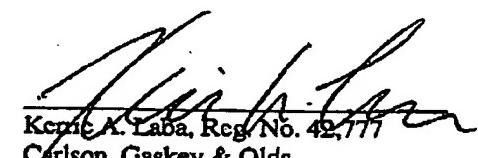
For the reasons set forth above, all claims are now in condition for allowance. An indication of such is requested. Please charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for three (3) additional independent claims.

The subject final office action has a mailing date of April 22, 2004. Applicant submitted an amendment on June 18, 2004, prior to the two-month date of June 22, 2004. The advisory action issued by the examiner has a mailing date of October 5, 2004. In the event a first reply is filed within two months of the mailing date of the final action, and the advisory action is not mailed until after the three-month shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. As this amendment is being submitted on the mailing date of the advisory action, no extension fee is due. Applicant believes that no

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additional fees are required, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

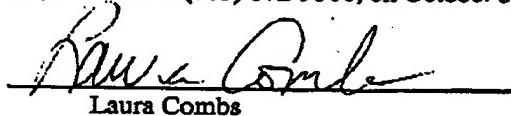
Respectfully submitted,


Keric A. Laba, Reg. No. 42,777
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Dated: October 5, 2004

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this Amendment (Serial No. 09/802,592) is being facsimile transmitted to the United States Patent and Trademark Office, fax number (703) 872-9306, on October 5, 2004.


Laura Combs